

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Index No.: 508220/2017

Plaintiff,

NOTICE OF MOTION

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.
-----X

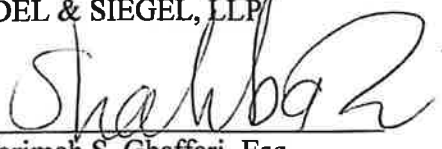
PLEASE TAKE NOTICE that upon the annexed affirmation of Farimah S. Ghaffari, Esq., dated November 8, 2017, the exhibits annexed hereto and upon all other proceedings heretofore had in this action, the undersigned attorney for the plaintiff, IRA BROWN (hereinafter referred to as the "Plaintiff"), will move this Court in the Default Judgement Motion Part in Room 296, at the Courthouse located at 360 Adams Street, Brooklyn, New York, on **December 7, 2017** at 09:45 A.M., or as soon thereafter as counsel may be heard for an order (i) pursuant to CPLR §3215, entering judgment by default against defendants XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER. and scheduling an inquest on the issue of damages; and (ii) for such other and further relief as to the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214 (b) all answering papers, if any, shall be served at least seven (7) days before the return date of this motion.

Dated: New York, New York
November 8, 2017

Yours, etc.

GOIDEL & SIEGEL, LLP

By: 
Farimah S. Ghaffari, Esq.
Attorneys for Plaintiff

56 West 45th Street, Third Floor
New York, New York 10036
(212) 840-3737

To:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2840 Ocean Parkway, Apt. 1F
Brooklyn, NY 11224

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Index No.: 508220/2017

Plaintiff,

**AFFIRMATION IN
SUPPORT**

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER.,

Defendants.
-----X

FARIMAH S. GHAFARI, an attorney duly admitted to practice law in the courts of the
State of New York, affirms the following facts under penalty of perjury:

1. I am an associate of Goidel & Siegel, LLP, attorneys for the plaintiff, IRA BROWN
(hereinafter referred to as the "Plaintiff").

2. I respectfully submit this affirmation in support of Plaintiff's motion for an order,
pursuant to CPLR §3215, granting judgment by default against defendants XYZ CORP. d/b/a
MIDNIGHT FLEET ("MIDNIGHT") and JEFFREY NAGLER ("NAGLER") (hereinafter
collectively referred to as the "Defendants"), and scheduling an inquest on the issue of damages.

3. On August 24, 2016, while lawfully inside a boat known as Captain Midnight (the
"Location"), owned by the Defendants and located at 2600 Emmons Avenue, Brooklyn, New
York, Plaintiff was caused to fall as a result of a dangerous condition which was created,
maintained, inspected and repaired by Defendants.

4. Due to Defendants' negligence in the maintenance, inspection, and repair of the Location, Plaintiff sustained severe, permanent, and long lasting injuries, including but not limited to displaced bimalleolar fracture of lower leg requiring surgery.

5. Annexed hereto is the affidavit of IRA BROWN duly sworn to the 6th day of November 2017, which sets forth the facts constituting the claim.

6. On April 27, 2017, this action was commenced by the filing of a summons and complaint with the court. A copy of the same is annexed hereto as Exhibit A.

7. Defendant MIDNIGHT was served with the Summons and Complaint on May 22, 2017. Defendant NAGLER was served with the Summons and Complaint on May 26, 2017. Copies of the affidavits of service are collectively annexed hereto as Exhibit B.

8. More than thirty days have elapsed since Defendants were served with the summons and complaint in this action, and no answer from them has been received.

9. On July 7, 2017 and August 7, 2017, Plaintiff mailed additional copies of the summons and complaint to the Defendants, accompanied by the appropriate notice of the earlier service. A copy of the additional mailing of Summons and Complaint is annexed hereto as Exhibit C.

10. To date, Defendants have failed and refused to interpose an answer to Plaintiff's complaint. Likewise, they have not contacted Plaintiff or his counsel to request an extension of time to answer, nor has any such extension been granted.

11. Accordingly, Defendants have defaulted in this action and, for the foregoing reasons, it is respectfully requested that the Court enter a judgment by default and schedule an inquest on the issue of damages.

WHEREFORE, it is respectfully requested that the foregoing motion be granted in its entirety and for such other and further relief as to the Court deems just and proper.

Dated: New York, New York
November 8, 2017


Farimah S. Ghaffari, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.
-----X

Index No.: 508220/2017

CERTIFICATION

I hereby certify that all of the papers that I have served, filed or submitted to the court in this action are not frivolous as defined in subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator of the Courts.

Dated: New York, New York
November 8, 2017


Farimah S. Ghaffari, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Index No.: 508220/2017

Plaintiff,

AFFIDAVIT OF MERIT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER.,

Defendants.

-----X


STATE OF NEW YORK SS:
COUNTY OF KINGS

IRA BROWN, being duly sworn, deposes and says:

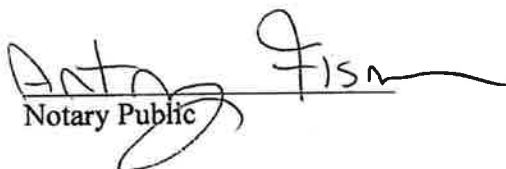
1. That I am the plaintiff in the within action.
2. I incorporate and support all the statements made in my attorney's accompanying Affirmation as if stated in full herein.
3. I make this affidavit in support of this motion for default judgment.
4. On August 24, 2016, while lawfully inside a boat known as Captain Midnight, owned by the defendants JEFFREY NAGLER and XYZ Corp. d/b/a MIDNIGHT FLEET ("Defendants") and located at 2600 Emmons Avenue, Brooklyn, New York, I was caused to fall as a result of a dangerous condition which was created, maintained, inspected and repaired by Defendants.
5. As a result of the accident, I sustained serious personal injuries, including but not limited to displaced bimalleolar fracture of lower leg requiring surgery.
6. A summons and complaint were served upon Defendants on May 22, 2017 and May 26, 2017. No answer has been interposed by Defendants.
7. Based upon the foregoing, my attorneys advise me that I have a meritorious cause of action.

Wherefore, it is respectfully requested that this motion be granted in its entirety, and for such other and further relief as to this Court seems just and proper.

Dated: 6th November 2017, New York


IRA BROWN

Sworn before me this 6th day of November 2017


Notary Public

ANTHONY FISHMAN
NOTARY PUBLIC-STATE OF NEW YORK
No. 01FI0365679
Qualified In Richmond County
My Commission Expires 10-10-2021

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

FARIMAH S. GHAFARI, an attorney duly admitted to practice in the courts of the State of New York, affirms under penalties of perjury that:

Deponent is not a party to the action, is over 18 years of age, and resides in Nassau County, New York.

On November 8, 2017, deponent served the within MOTION FOR DEFAULT JUDGMENT upon:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2840 Ocean Parkway, Apt. 1F
Brooklyn, NY 11224

by depositing true copies of the same enclosed in properly addressed, post-paid wrappers, by regular mail in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

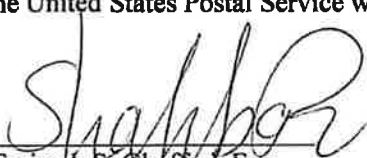

Farimah S. Ghaffari, Esq.

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

Index No.:

Date purchased:

SUMMONS

Plaintiff designates
Kings
County as the place of trial

The basis of venue is
Plaintiff's residence

Plaintiff resides at
4373 Bedford Avenue
Brooklyn, New York

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, NY 11235

Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
56 West 45th Street, Third Floor
New York, New York 10036
Tel No.: (212) 840-3737

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Index No.:

Plaintiff,

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.
-----X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

staircase ("the Staircase") of the Location.

7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

WHEREFORE, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 27, 2017

Yours, etc.,

GOIDEL & SIEGEL, LLP



By: Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
Office and Post Office Address
56 West 45th Street, 3rd Floor
New York, New York 10036
(212) 840-3737

Index No. Year
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP, d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

SUMMONS & COMPLAINT

GOIDEL & SIEGEL, LLP
Attorney(s) for **PLAINTIFF**
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To
Attorney(s) for

Service of copy of the within
Dated,

is hereby admitted.

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named Court, at
on the day of

at M.

Dated,

Yours, etc.

GOIDEL & SIEGEL, LLP
Attorney(s) for
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To

Attorney(s) for

EXHIBIT B

Form 27 - AFFIDAVIT OF SERVICE

Valerie



GOIDEL & SIEGEL LLP Farimah Ghaffari
SUPREME COURT KINGS COUNTY STATE OF NEW YORK

IRA BROWN

PLAINTIFF

- vs -

XYZ CORP. D/B/A MIDNIGHT FLEET, ETANO

DEFENDANT

index No. 508220/2017

Date Filed

Office No. NY

Court Date.

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JACQUELINE WOS being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 22ND day of MAY, 2017 4:57PM at

2600 EMMONS AVENUE
BROOKLYN NY 11235

I served a true copy of the NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND COMPLAINT upon XYZ CORP. D/B/A MIDNIGHT FLEET the DEFENDANT therein named by delivering to, and leaving personally with CHRIS JERRY , AUTHORIZED TO ACCEPT a true copy of each thereof.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: MALE COLOR: BLACK HAIR: BLACK

APP.AGE: 40 APP. HT: 6'1 APP. WT: 200

OTHER IDENTIFYING FEATURES

COMMENTS:

Sworn to before me this
24TH day of MAY, 2017

ADAM J. CALEB
Notary Public, State of New York
No. 01CA6334048
Qualified in ORANGE COUNTY
Commission Expires 12/07/2019

JACQUELINE WOS DCA LIC #2034482
PM Legal, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 3-GS-726040

Form 2 - AFFIDAVIT OF SERVICE

Valerie



GOIDEL & SIEGEL LLP Farimah Ghaffari
SUPREME COURT KINGS COUNTY STATE OF NEW YORK

IRA BROWN

PLAINTIFF

index No. 508220/2017
Date Filed
Office No. NY
Court Date.

- VS -

XYZ CORP. D/B/A MIDNIGHT FLEET, ETANO

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JACQUELINE WOS being duly sworn, deposes and says; I am over 18 years of age, not a party to this action, and reside in the State of New York. That on the 26TH day of MAY 2017, 11:57AM at 2600 EMMONS AVENUE BROOKLYN NY 11235

I served the NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO MANDATORY ELECTRONIC FILING SUPREME COURT CASES, SUMMONS AND COMPLAINT upon JEFFREY NAGLER the DEFENDANT therein named by delivering and leaving a true copy or copies of the aforementioned documents with "JOHN SMITH" (REFUSE FULL NAME), CO-WORKER, a person of suitable age and discretion.

Deponent describes the person served as aforesaid to the best of deponent's ability at the time and circumstances of the service as follows:

SEX: MALE COLOR: WHITE HAIR: BROWN/GREY
APP.AGE: 60 APP. HT: 6' APP. WT: 210
OTHER IDENTIFYING FEATURES

On 05/30/2017 I deposited in the United States mail another true copy of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to the said DEFENDANT at the above address. That being the place of business of the DEFENDANT.

Copy mailed 1st class mail marked personal and confidential not indicating on the outside thereof by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

COMMENTS:

That at the time of service, as aforesaid, I asked the person spoken to whether the DEFENDANT was in the military service of the United States Government, or of the State of New York, and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the DEFENDANT is not in the military service, and is not dependent on anyone in the military service of the United States Government or the State of New York, as that term is defined in statutes of the State of New York, or of the Federal Soldiers and Sailors Civilian Relief Act.

Sworn to before me this
30TH day of MAY, 2017

ADAM J. CALEB
Notary Public, State of New York
No. 01CA6334048
Qualified in ORANGE COUNTY
Commission Expires 12/07/2019

JACQUELINE WOS DCA LIC #2034482
PM Legal, LLC
75 MAIDEN LANE 11TH FLOOR
NEW YORK, NY 10038
Reference No: 3-GS-726039

U



NYSCEF - Nassau County Supreme Court Confirmation Notice



This is an automated response for Supreme Court cases. The NYSCEF site has received your electronically filed documents for the following case.

607863/2017

Margarita Irizarry - v. - Andres Torres et al

Assigned Judge: James McCormack

Documents Received on 11/27/2018 11:58 AM

Doc #	Document Type	Motion #
45	AFFIRMATION Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	002

Filing User

Name:	Andrew B Siegel	E-mail Address:	asiegel@goidelandsiegel.com
Phone #:	212-840-3737	Work Address:	56 West 45th Street, Third Floor
Fax #:			New York, NY 10036

E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 11/27/2018 11:58 AM:

DORMAN, JEFFREY SCOTT - dorman@hagelinspencer.com

FLORES, JOHN CAVIN - setteandapoznanski@geico.com

FURRER, MEGAN - organek@hagelinspencer.com

GUARINO, STEFANIE F. - setteandapoznanski@geico.com

SIEGEL, ANDREW B - asiegel@goidelandsiegel.com

NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.

Maureen O'Connell, Nassau County Clerk - <http://www.nassaucountyny.gov/agencies/Clerk/index.html>
Phone: 516-571-2660 Website: <http://www.nassaucountyny.gov/agencies/Clerk/index.html>

NYSCEF Resource Center - EFile@nycourts.gov
Phone: (646) 386-3033 Fax: (212) 401-9146 Website: www.nycourts.gov/efile

EXHIBIT C

GOIDEL & SIEGEL, LLP

ATTORNEYS AT LAW

**56 WEST 45TH STREET, 3RD FLOOR
NEW YORK, NY 10036**

TELEPHONE (212) 840-3737

FACSIMILE (212) 840-3793

JONATHAN M. GOIDEL
ANDREW B. SIEGEL*

Stacy Klozow
Stephen Nappi
Farimah Ghaffari

*also admitted in CT

July 7, 2017

VIA FIRST-CLASS MAIL

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, New York 11235

Re: Ira Brown v. XYZ Corp. d/b/a Midnight Fleet, et al
Index No.: 508220/2017

Dear Sir/Madam:

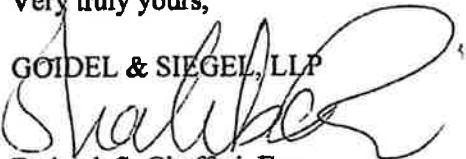
Please be advised that more than thirty days have elapsed since you were served with a Summons and Complaint in the above-referenced action. Despite the foregoing, you have failed and refused to interpose an answer, thus rendering you in default of your obligations.

Please be further advised that a motion to obtain a default judgement against you, pursuant to CPLR 3215, will be filed with the Supreme Court, Kings County if we do not receive an answer on your behalf within twenty (20) days of the date of this letter.

A copy of the Summons and Complaint is enclosed herewith. If you have any questions, please contact the undersigned.

Very truly yours,

GOIDEL & SIEGEL, LLP


Farimah S. Ghaffari, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
 COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
 JEFFREY NAGLER,

Defendants.

Index No.: 508220/2017

Date purchased: 4/27/2017

SUMMONS

Plaintiff designates

Kings

County as the place of trial

The basis of venue is

Plaintiff's residence

Plaintiff resides at

4373 Bedford Avenue

Brooklyn, New York

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet
 2600 Emmons Avenue
 Brooklyn, NY 11235

Jeffrey Nagler
 2600 Emmons Avenue
 Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.

GOIDEL & SIEGEL, LLP

Attorneys for Plaintiff

56 West 45th Street, Third Floor

New York, New York 10036

Tel No.: (212) 840-3737

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Plaintiff,

Index No.: 508220/2017

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.
-----X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

staircase ("the Staircase") of the Location.

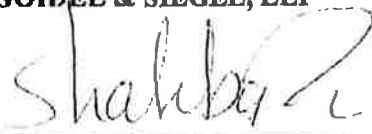
7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

WHEREFORE, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 27, 2017

Yours, etc.,

GOIDEL & SIEGEL, LLP



By: Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
Office and Post Office Address
56 West 45th Street, 3rd Floor
New York, New York 10036
(212) 840-3737

Index No. Year
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

SUMMONS & COMPLAINT

GOIDEL & SIEGEL, LLP
Attorney(s) for **PLAINTIFF**
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To
Attorney(s) for

Service of copy of the within
Dated,

is hereby admitted.

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named Court, at
on the day of

at M.

Dated,

Yours, etc.

GOIDEL & SIEGEL, LLP
Attorney(s) for
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To

Attorney(s) for

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

-----x
IRA BROWN

Plaintiff/Petitioner,

-against-

Index No. 508220/2017

XYZ CORP d/b/a MIDNIGHT FLEET, JEFFREY
NAGLER

Defendant/Respondent.
-----x

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT
TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

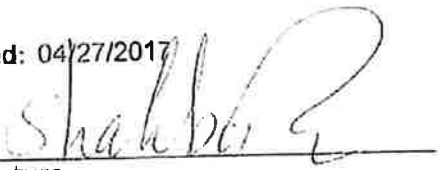
Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efileunrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.


For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646- 386-3033; e-mail: efile@nycourts.gov).

Dated: 04/27/2017


Signature

FARIMAH SHAHBAZI GHAFFARI

Name


Firm Name

56 W 45th Street

Address

New York, NY 10036

City, State, and Zip

212-840-3737

Phone

fgghaffari@goidelandsiegel.com

E-Mail

To: _____

9/3/15

Index #

Page 2 of 2

EFM-1

GOIDEL & SIEGEL, LLP

ATTORNEYS AT LAW
56 WEST 45TH STREET, 3RD FLOOR
NEW YORK, NY 10036

•
TELEPHONE (212) 840-3737
FACSIMILE (212) 840-3793

JONATHAN M. GOIDEL
ANDREW B. SIEGEL*

•
Stacy Kozow
Stephen Nappi
Farimah Ghaffari

•
+also admitted in CT

August 7, 2017

VIA FIRST-CLASS MAIL

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, New York 11235

Jeffrey Nagler
2840 Ocean Parkway, Apt. 1F
Brooklyn, NY 11224

Re: Ira Brown v. XYZ Corp. d/b/a Midnight Fleet, et al
Index No.: 508220/2017

Dear Sir/Madam:

Please be advised that more than thirty days have elapsed since you were served with a Summons and Complaint in the above-referenced action. Despite the foregoing, you have failed and refused to interpose an answer, thus rendering you in default of your obligations.

Please be further advised that a motion to obtain a default judgement against you, pursuant to CPLR 3215, will be filed with the Supreme Court, Kings County if we do not receive an answer on your behalf within twenty (20) days of the date of this letter.

A copy of the Summons and Complaint is enclosed herewith. If you have any questions, please contact the undersigned.

Very truly yours,

GOIDEL & SIEGEL, LLP


Farimah S. Ghaffari, Esq.

NYSCEF DOC. NO. 16

RECEIVED NYSCEF: 11/08/2017
INDEX NO. 508220/2017

FILED: KINGS COUNTY CLERK 04/27/2017 11:28 AM

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 04/27/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

Index No.:

Date purchased:

SUMMONS

Plaintiff designates

Kings

County as the place of trial

The basis of venue is

Plaintiff's residence

Plaintiff resides at

4373 Bedford Avenue

Brooklyn, New York

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, NY 11235

Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, NY 11235



Farimah S. Ghaffari, Esq.

GOIDEL & SIEGEL, LLP

Attorneys for Plaintiff

56 West 45th Street, Third Floor

New York, New York 10036

Tel No.: (212) 840-3737

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RECEIVED NYSCEF: 04/27/2017

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Plaintiff,

Index No.:

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.
-----X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

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staircase ("the Staircase") of the Location.

7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

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WHEREFORE, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 27, 2017

Yours, etc.,

GOIDEL & SIEGEL, LLP



By: Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
Office and Post Office Address
56 West 45th Street, 3rd Floor
New York, New York 10036
(212) 840-3737

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Index No. _____ Year _____
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

SUMMONS & COMPLAINT

GOIDEL & SIEGEL, LLP
Attorney(s) for PLAINTIFF
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To
Attorney(s) for

Service of copy of the within
Dated,

is hereby admitted.

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named Court, at
on the _____ day of _____

at

M.

Dated,

Yours, etc.

GOIDEL & SIEGEL, LLP
Attorney(s) for
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To

Attorney(s) for

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

-----x
IRA BROWN

Plaintiff/Petitioner,

-against-

Index No. 508220/2017

XYZ CORP d/b/a MIDNIGHT FLEET, JEFFREY
NAGLER

Defendant/Respondent.
-----x

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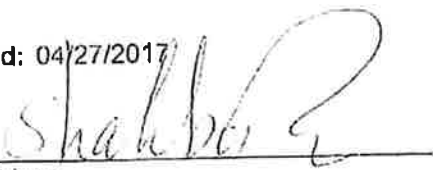
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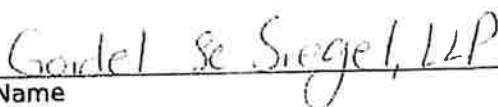
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Dated: 04/27/2017


Signature

FARIMAH SHAHBAZI GHAFFARI

Name


Firm Name

56 W 45th Street

Address

New York, NY 10036

City, State, and Zip

212-840-3737

Phone

fghaffari@goidelandsiegel.com

E-Mail

To: _____

9/3/15